PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(OFFICIAL REPORT.)

SECOND COUNCIL.

SEVENTH SESSION, 1941|1116.

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Tuesday, the 8th April 1941|26th Meenam 1116.

The Travancore Sri Chitra State Council met in the Legislative Chamber, Public Offices, at 11 a. m., Sachivottama Sir C. P. Ramaswami Aiyar, K. C. S. I., K. C. I. E., LL D., Dewan-President, presiding.

MEMBERS SWORN.

The following members took the oath and signed the Rolls :—

1. Mr. P. S. Kuppuswami Aiyar (*Secretary to Government.*)
2. Mr K. R. Narayana Aiyar (*Director of Agriculture.*)
3. Mr. K. Sankaran (*Secretary to Government.*)

LEGISLATIVE BUSINESS.

THE TRAVANCORE CHILD MARRIAGE RESTRAINT BILL.

Clause 8.

Mr. T. V. Ramakrishna Aiyar (*Co-opted*): Sir, I beg to move that in Clause 8, the word "month" may be substituted for the word "year."

Mr. Kottur Kunjukrishna Pillai (*Quilon cum Kunnattur*): Sir, on a point of order. The honourable member is not speaking from his place.

President: The honourable member should speak from his proper place.

(Mr. T. V. Ramakrishna Aiyar takes his proper place.)

Mr. T. V. Ramakrishna Aiyar: Sir, Clause 8 reads as follows :—

> "The court may take cognizance of an offence under this Act, either upon complaint made or information laid before it, within one year from the date on which the offence is alleged to have been committed."

My amendment is to change the words "one year" into "one month." Sir, I consider the period of one year too long. It means that the sword of Damocles will be hanging over the head of the poor offender for the long period of one full year. The offender can be fleeced to any extent by any and every man in the street. It will create a set of 'informers' and if I may add, a set of imposters whose only business will be to organise a Fifth Column activity in Travancore and fleece offenders. If A's extortion is satisfied today, he will set up B tomorrow and so on *ad infinitum*. I may here quote a parallel instance of an Excise case of illicit tapping. A subordinate officer of the department detects illicit tapping and orders the pots on the trees to be lowered and threatens the owner of the shop with prosecution. The shop owner gives some money to the officer and he goes away. He goes and gives information of the case to his comrade who in turn approaches the offender and harasses him. In the course of six months, the poor tapper has paid more than 5 times the tree tax on the trees illicitly tapped. In the sixth month, tree tax is realised and the tapper is prosecuted. Such is the case here. The poor offender in one of his weak moments, out of respect for the Srutis and Smrithis, the agelong customs prevalent in the community, to avoid the sin falling on him in consequence of the marriage of his daughter after puberty and with a view not to lose a very desirable bridegroom, may decide to celebrate his daughter's marriage. He is already made poor by the marriage for which there is at least the consolation that he should have foreseen it and made the necessary provision. Now by this Section, a very dangerous gang is let loose on him for one full year. The effect is that the offender will be killed, inch by inch, day after day. This is the most harassing provision that it is possible to conceive. Is it after all necessary in a social law of this kind? Does it not give cause for a sense of oppression and alarm in the community? What classes of persons will be enlisted in this Fifth Column movement it is now impossible to foresee. If the offender happens to be a respectable person of means, the gang will not hesitate to enlist apparently respectable members of all communities within its organisation. In these days of unemployment and starvation, it will only be very easy for even educated men to be caught in the net. The provision will mean a perpetual dread, a menace to society and a serious blackspot in the administration of justice.

LIBRARY ARCHIVES Kerala Legislative Assembly

The period of one month moved by me as an amendment gives ample time to a *bona fide* informer who desires to improve society to see that social laws are respected. To a man not in good terms with the offender, the provision should not provide a handle to tease and oppress his enemy for the long period of a year. I appeal to the members of the House to see the justice of my request and the reasonableness of my amendment. Justice done to all should be the motto of any house of Legislature.

Mr. N. Krishna Aiyar (*Vaikom, Kottayam and Changanacherry* cum *Peermade*) : Sir, I support the amendment. In the original draft bill the period was six months. That has been further extended by another six months, and the period is now one year. It is too long a period as pointed out by Mr. Ramakrishna Aiyar My submission is that the Limitation Act prescribes only a period of 30 days to 3 months. I do not think that the honourable members of this House would go to the extent of believing that the offence under this Section is so heinous as to deserve such a long period. Sir, one year is unreasonably long. With these words I support the amendment.

Mr. G. Narayana Aiyar (*Parur, Kunnatnad and Muvattupuzha* cum *Devicolam*) : Sir, I also support the amendment. Being a social legislation I do not think that the offence, if any, committed under this section should be dealt with as any other offence involving moral turpitude. And those who commit an offence under this section are doing that only on religious grounds or act up to the directions contained in the Sastras and Vedas which they rely. As such I consider that the imprisonment period of one year prescribed under this provision is very very hard and has to be reduced. Punishment under such circumstances should not be vindictive. With these few words I support the amendment.

Mr. Kochikal P. Balakrishnan Tampi (*Karunagapalli, Karthikapalli and Ambalapuzha* cum *Shertala*): Sir, I oppose the amendment. My friend Mr. Krishna Aiyar correctly expounded certain aspects of the Law of Limitation. But he has to remember that the Law of Limitation prescribes certain periods for prosecution for only less serious offences such as assault, simple hurt etc., But, for major offences there is no period of limitation prescribed. And a man is liable to be prosecuted say, after 25 or 30 years, for murder or for any other serious offence. I am only pointing out that we have erred on the side of leniency to offenders. If the amendment has been for not having any limitation at all, I would very willingly have supported it. If the period has been fixed as one year, I may say that there is greater certainty in bringing the offenders to book within one year than within six months. Now if it is only six months an offender can, under guise

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[Mr. Kochikal P. Balakrishnan Tampi]

of pilgrimage to Gaya or some other holy place, commit the offence in some place and come back within that period. But on the other hand if the period is sufficiently long, then we could find out whether there has been any breach of law and if there is, bring him to book.

Sir, I do not think that the remarks of the mover of the amendment about the Fifth Column activities need any reply at all. If at all there is any Fifth Column activity, it is the Fifth Column activity of my honourable friends who style themselves as the upholders of orthodoxy.

The Fifth Column activities have not succeeded very much now-a days. And I am sure this House will appreciate the value or rather valuelessness of the Fifth Column activities. They will certainly vote against this amendment proposed by my friend obsessed by the Fifth Column activity.

The amendment was put to vote and lost.

Mr. N Krishna Aiyar: I move

In clause 8 omit "one year" and substitute "ninety days".

It is only a similar amendment to the previous one to change one year into ninety days. If the House thought that thirty days were too small a period for bringing the offenders to book, I think ninety days will be very reasonable. The period of one year will be found to be really too long. I therefore once again request the Honourable members to consider this amendment for changing one year into ninety days. The same arguments as I advanced for the prior amendments will hold good for this also.

Mr. T. V. Ramakrishna Aiyar: I second the amendment.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: I move

In Clause 8 line 3, omit the words "alleged to have been".

Whatever be the period of limitation, the date from which the time runs must be definite. Here Section 8 says: "the court may take cognizance of an offence under this Act, either upon complaint made, or information laid before it, within one year from the date on which the offence is alleged to have been committed".

So whatever be the lapse of time, after the commission of the offence, it is enough for any person who is mischievously inclined if he alleges that a certain offence has been committed on a particular day, and whatever be the period that will have lapsed, he can come in with a complaint. It ought to be one year from the actual date of the offence. If it is found that the offence is actually committed within a longer period, then without going into

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further merits, the complaint shall be thrown out. As the clause now stands it will be enough if he alleges a certain date and even if it is found that a longer interval has elapsed, he can proceed with the charge. So the fundamental idea of fixing a certain period is useful and necessary. My idea is it is a very reasonable amendment which would be found to be just and necessary. So I propose the amendment.

Mr. G. Narayana Aiyar: Sir, I second the amendment. Under the present clause any person who files a complaint can allege a different date of marriage to bring his complaint within the scope of this clause and prosecute the parent or guardian. That is very hard. It is only an offence against the social conduct and the man conducts the marriage only in accordance with the mandates of his religion and not with any evil motive. It is necessary to specify that the complaint should be filed within a period from the actual marriage date and the person who alleges that an offence has been committed should not be allowed any sort of selection or indulgence to fix his own date and file frivolous complaints due to personal spite or malice. The accused should not be left to the mercy of the complainant. Therefore I support the amendment.

Mr. Puthupalli S. Krishna Pillai (*Legal Remembrancer*): The amendment is not in order Sir. If the amendmentis adopted, it is likely, to lead to various difficulties in its application. To say that the period of limitation shall commence from the date on which the offence was committed would not be correct because you come to the decision that an offence is committed only after the conclusion of the trial. You cannot say when a complaint is preferred that an offence has been committed. The section as it stands merely provides for preferring of complaints. If you allege that a marriage was celebrated on a particular date, all that the court has to see is that complaint is filed within the period of one year from that date. You cannot say that the period of limitation should be calculated only after the court has come to a conclusion after the trial. The existing provision is not likely to lead to any legal difficulty in its application.

Mr. N. Krishna Aiyar: I do not think it is sound because a specific date has to be mentioned as the date on which the offence was committed.

Mr. Puthupalli S. Krishna Pillai: The offence has not been committed; the offence is alleged to have been committed.

President: I think the discussion is really not of much significance because the complainant has to give the date on which the offence is alleged to have been committed. If on that date no marriage took place, presumably the complaint would be dismissed,

LIBRARY ARCHIVES Kerala Legislative Assembly

[President.]

If on the other hand the complaint has to be dismissed on the ground that it is more than a year, then what is alleged is the test. What else could be the test?

The amendment was put to vote and lost.

The question that Clause 8 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 9.

Mr. T. V. Ramakrishna Aiyar: I move

In Clause 9 substitute "five hundred" for "one hundred".

Section 9 provides for a security from the complainant. In order to avoid false, frivolous or vexatious complaints, the security not exceeding one hundred rupees provided in the bill should be raised to five hundred rupees. I would therefore suggest an amendment that the sum of rupees one hundred may be changed to rupees five hundred in order to prevent frivolous complaints.

President: Mr. Legal Remembrancer.

Mr. Puthupalli S. Krishna Pillai: I have nothing to say, Sir.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: I move

In Clause 9 (i) delete the words "execute a bond, with or without sureties for a sum not exceeding" and substitute "deposit a sum of not less than".

Clause 9 (i) reads thus:—

"When the court takes congizance of any offence under this Act, upon a complaint, it may, at any time after examining the complainant and before issuing process for compelling the attendance of the accused, for reasons to be recorded in writing require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under Section 227 of the Code of Criminal Procedure and if such security is not furnished within such reasonable time as the court may fix the complaint shall be dismissed".

Now in the prior sections of the Bill where a penalty has been imposed the penalty has been found to be rather severe. The offenders can be punished with imprisonment for a period of one month with or without fine extending up to one thousand rupees. So at least in respect of complaints where the complainants have made only frivolous complaints, they should be asked to deposit an amount of Rs. 100. Otherwise it may lead to innumerable complaints which may be found to be frivolous and malicious. The Act

LIBRARY ARCHIVES Kerala Legislative Assembly

curtails the liberty of citizens to perform their religious functions. Such complaints should not be made very cheap. If the complaint is ultimately found to be false, then the amount should be paid to the person accused, as compensation. Only 100 rupees has been fixed as the security.

So I think the amendment is very reasonable and it can be accepted.

Mr. T. V. Ramakrishna Aiyar: I support the amendment.

The amendment was put to vote and lost.

The question that Clause 9 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 10.

Mr. N. Krishna Aiyar: I move

> In Clause 10 (ii) delete the rest of the clause beginning with "imprisonment" and substitute "fine which may extend to five hundred rupees".

Clause 10 (ii) reads as follows:-

> "Whoever knowing that an injunction has been issued against him under sub-clause (i) of this clause disobeys such injunction, shall be punished with imprisonment of either description, for a term which may extend to three months or with fine which may amount to one thousand rupees, or with both."

The object of this amendment is to reduce the amount of fine from rupees one thousand to rupees five hundred and to eliminate imprisonment. After all it is only a social legislation. Those persons who might conduct marriages on account of religious principles should not be punished with imprisonment or with such a heavy fine.

Mr. Puthupalli S. Krishna Pillai: May I know from the honourable member when an order of injunction has been issued, does not the social aspect cease to exist and a more serious aspect comes into existence in the case of a person who disobeys an order of injunction.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: The amendment "omit the proviso" is only a consequential amendment of the previous one and so I do not move it.

The question that Clause 10 do stand part of the Bill was next put to vote and carried.

The clause was added to the Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. V. Ramakrishna Aiyar:

Clause 11.

Sir, I move the following amendment:

'Substitute the word' "community" for "marriage" in Clause 11, Place a full stop after the word "Act" and omit the portion beginning with "on application..... " and ending with the words "whoever is a child."

Clause 11 in the Bill reads thus,

"Our Government may, by notification in the Government Gazette, exempt any marriage in Travancore from the operation of this Act, on application made in that behalf by the legal guardian of the bride or bridegroom whoever is a child".

If my amendment is accepted, the section will read thus:

"Our Government may, by notification in the Government Gazette exempt any community in Travancore from the operation of this Act".

Mr. Kottur Kunjukrishna Pillai: A point of order Sir.

President:- The point has been dealt with in the House in the course of the debate. And so this amendment would be out of order.

Mr. G. Narayana Aiyar: I move that

"In line one after the word 'Government' delete the word 'may' and substitute the word 'shall".

In the amendment I would submit as before even those who conduct marriages as against.....

President: Order, order. The honourable member will realise what it means. Although the number is not great the number of children married between the years one and two was 1431 in the years 1929 and 1930. Supposing a child of one is sought to be married to a child of three then according to the honourable member the Government shall necessarily grant the exemption. Is that the idea? As a matter of fact we will find that all set out here. Hindu widows aged between 0 and 1 in the year 1921 were 597,; in the year 1931 the figure was 1081; between 1 and 2, the figure was 134, between 2 and 3 it was 2655, between 3 and 5, it was 7078 and between 4 and 5, it was 11471.

Mr. G. Narayana Aiyar: The figures are not the figures for Travancore and such a state of affairs never existed anywhere in Travancore at any time. Our last Census report speaks otherwise.

My idea in moving the amendment is that whenever the exemption is sought for, time should not be taken in sanctioning the exemption by the Government. As the clause stands, it is likely that several cases of delays will happen and there may be scope for

LIBRARY ARCHIVES Kerala Legislative Assembly

enquiry. Because of the practical difficulties in selecting bride-grooms and settling the marriage and fixing the date suitable for both, the applications for exemption could be filed only just before the date of marriage in most of the cases. If exemption is not granted at once, in certain cases the marriage could not be conducted at all. If the Government are to give sanction only after enquiry or exercising any sort of discretion, in most cases the sanction will be delayed. That will be very harsh and so I submit that the application for exemption should be granted automatically as a matter of right.

Mr. Kottur Kunjukrishna Pillai: May I know Sir, why he wants the Government to grant exemptions? The application itself may operate as an exemption. What is the purpose in requesting the Government to grant exemption?

Mr. G. Narayana Aiyar: I do not know whether the interpretation of the member is correct. To avoid delay and discussion I put forward this amendment. It is necessary that automatically the exemption should be granted. No sort of discretion should be allowed to be used against the granting of the petition. The Government cannot always be expected to be sympathetic for all time to come.

What I want is that there should not be any delay or discretion used in granting the exemption and if I get an assurance from Government I will not press this amendment. It is to get over the difficulties that I am moving this amendment. I may also state that the word "may" has been interpreted in many cases to mean "shall." It is enough even if that position is accepted. If that is assured, I am not very particular about the amendment.

The amendment "In line 1 after the word 'Government' delete the word 'may' and substitute the word 'shall'" moved by Mr. G. Narayana Aiyar was put to vote and lost.

Mr. N. Krishna Aiyar: Sir, I move

> "In Clause 11, delete the word 'marriage' and substitute the word 'family'."

As the clause now stands, every individual marriage requires an exemption from Government. Very often it so happens that marriages in particular communities, especially the Brahmins, are brought about by various circumstances and any delay in the obtaining of sanction would upset the arrangements. It is well-known that among Brahmins, for the conduct of marriages various restrictions and Shastraic injunctions are placed. Marriage can be settled only if they come under certain Gotras and their horoscopes agree, and only during certain particular months of the year; muhurthams could be fixed, which must be agreeable to both the bride and

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Krishna Aiyar]

bridegroom and also there are so many other inconveniences as pollution in either of the families. So, various other circumstances which do not exist in other communities exist in this minority community and in such cases when applications are made to Government, as usual, considerable delay may be caused. Very often the marriage arrangements go, and in most cases it is the result of the labour of one or two years for the parents to bring about a proper marriage alliance. When such marriage alliance is brought, the delay again in obtaining the sanction would result in very considerable hardship, injury and damage. It is not likely that all families might be particular of getting the exemption, because on account of various circumstances and in changing times, in several families the views of persons have advanced and even now though the rule is that.....

President: Is it not a fact that in the community to which I have the honour to belong the difficulty is to get persons to marry girls before 14 or 15? Is it not really the case to-day that puberty is attained only after the marriage takes place, whatever the age may be? (Laughter).

Mr. N. Krishna Aiyar: I fully realise that and follow the point. There may exist in Travancore certain families who still believe in observing the spirit and letter of the Shastras exactly as they are. Those who want to observe the sacred *samskaras*, those who are particular in conducting the marriages according to Shastraic principles, such families may be exempted, instead of granting the exemption to each individual case.

Mr. Kottur Kunjukrishna Pillai: Does it provide for any revocation of exemption?

Mr. N. Krishna Aiyar: There is no necessity at all, because even if an exemption is granted it is not absolutely essential that all the marriages in that family should take place only according to that.

President: Family being undivided family at the time, the Government may revoke the exemption. What happens next?

Mr. N. Krishna Aiyar: The subsequent divisions may not affect the exemption and it is not compulsory that all persons belonging to that family should have an option to that exemption. It is only an enabling provision and this principle has been accepted in the other Acts also, *viz.*, the Ezhava Act, and the Kshatria Act.

Mr. Kochikal P. Balakrishnan Tampi: May I ask the member whether there are certain families who believe in the religious sanction of sati?

LIBRARY ARCHIVES Kerala Legislative Assembly

President: No, not now.

Mr. N. Krishna Aiyar: We are concerned only with marriage in living memory. So much so, the Government may grant exemption, if Government feel that particular families have been really following the Shastraic injunctions or a particular family is entitled to be exempted on account of circumstances which the Government may consider are proper or necessary. My submission is that if the exemption has to be obtained for each individual case of marriage it may often entail very great hardship. Such of those families who wish to come within the exemption and do satisfy the Government, may be granted the exemption. Now Government have not got the power to exempt them even if such exemptions are prayed for. Even in the Cochin State, where a similar Act has been passed, the Royal family has been exempted. So some considerations the Government may have for families which the Government are satisfied are entitled to be exempted. It is useful in that aspect also. I therefore request that the amendment may be accepted.

The amendment was put to vote and lost.

Mr. G. Narayana Aiyar: Sir, I move

"In line 2 delete the word 'marriage' and substitute the word 'family'."

When it is admitted that religious sentiments of all communities have to be respected, to ask or to compel the guardian of the ward to apply for exemption, at the time of each marriage is very hard. We see in other Acts, such as the Ezhava Act, the Nayar Act, the Kshatriya Act, etc., families are exempted from certain provisions of the Act on the mere application of a majority in ordinary cases and on the application of a single member in certain cases.

Thus when such exemptions even as regards the personal rights to property are granted to families by Government and the same to be granted automatically to the family, to restrict the application to the particular marriage is illogical and hard. To direct a different procedure in the case of a marriage which is a religious ceremony is highly objectionable. The provision as regards exemption ought to be more generous than that in the Acts referred to which deals with rights to property, the exemption in this case being sought for on sentimental grounds and religious beliefs. Then why not give the manager of the family the power to apply for exemption for the whole family instead of applying at the time of each and every marriage. We cannot be sure what will be the attitude of the Government in future years, whether sympathetic to religious mandates or unsympathetic.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Puthupalli S. Krishna Pillai: Is it the member's opinion that the members of these families should have a general right to perform or conduct child marriages even with other families? What is the scope of the exemption sought to be gained by the member?

Mr. G. Narayana Aiyar: The particular family which applies for exemption has to be exempted automatically whether they conduct marriage with other families or not.

Mr. Puthupalli S. Krishna Pillai: What happens if the family is divided?

President: Then the other families will apply for exemption.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: Sir, I beg to move the following amendment :—

"In Clause 11 add the following Provisos :

"Provided that :

(1) Such application may be made to and granted by the Tahsildar of the taluk, (or alternatively the Division Peishkar of the Division) in which the applicant resides or such other officer or officers who may be empowered generally or specially on that behalf from time to time by the Government.

(2) Appeals from orders of the Tahsildar or other officer shall lie to the Division Peishkar and appeals from orders of the Division Peishkar shall lie to the Dewan.

(3) Subject to Sections 5 and 12 of the Limitation Act such appeals shall be preferred within sixty days of the order appealed against."

Section 11 says

"*Our Government may, by notification in the Government Gazette exempt any marriage in Travancore from the operation of this Act, on application made in that behalf by the legal guardian of the bride or bridegroom whoever is a child.*"

The section does not say that the application shall be granted within a special period. Naturally it may take a long period.

President: I think the honourable member's intention will be nullified by this amendment because if the local Tahsildar or the Peishkar takes a one-sided view, the matter will have to come to the Government and it may take some time for arriving at a decision. So the difficulty anticipated by the member will only multiply. I do not think the honourable member's difficulty will be solved.

The amendment was put to vote and lost.

The question that Clause 11 do stand part of the Bill was put and carried.

The Clause was added to the Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

TITLE AND PREAMBLE.

The question that the Title and the Preamble do stand part of the Bill was put and carried.

The Title and the Preamble were added to the Bill.

Mr. M. Govindan (*Nominated*): Sir, I move that the Bill be passed.

Mr. Kottur Kunjukrishna Pillai: I second it.

Mr. T. V. Ramakrishna Aiyar: Sir, I oppose the motion. I request I may be allowed to make a few observations when the Bill is about to be passed. I know I am crying in the wilderness and my voice is a waste of breath but still I am determined that the Bill shall not go into the Statute book with the seal of approval of my community. I am not making any remark on the principles of the Bill or on specific provisions or on the fate of any particular amendment. I know we have passed that stage. My remarks will be confined to a general survey of the Bill. I had stated that it was the greatest misfortune of the Brahmin community that the bill was forced on us by members of other communities. A more amazing feature was that the mover of the bill did not oppose any one amendment from No. 1 to No. 44 and was practically dozing away all the time without showing the least interest in the fate of the bill he had sponsored.

Mr. Kottur Kunjukrishna Pillai: Sir, I rise to a point of order. Can a reflection be cast by a member on another member? The member was saying that the sponsor of the bill was dozing away the time.

Mr. T. V. Ramakrishna Aiyar: I said that he was *practically* dozing.

President: It is hot weather and naturally there are temptations for it.

Mr. T. V. Ramakrishna Aiyar: It conclusively showed that he was only a nominal mover or that he feared that——

Mr. M. Govindan: Sir, I object to the statement that I am only a nominal mover. When I moved the Bill I think I made the longest speech than any other member of the House. I am keenly interested in the passing of the bill. I knew that much talk was not necessary. I trust that the sense of the House is to pass the Bill.

President: Literally, the honourable member is right.

Mr. T. V. Ramakrishna Aiyar: .....his training as a judge... ... ...

Mr. C. V. Chandrasekharan (*Pro-Vice-Chancellor*): Sir, I rise to a point of order. The honourable member is making a manuscript speech.

LIBRARY ARCHIVES Kerala Legislative Assembly

President: An exception has once been made and therefore, I allow it.

Mr. Kottur Kunjukrishna Pillai: Sir, the volume is a very threatening one.

Mr. T. V. Ramakrishna Aiyar: There are only three pages. The speech is much shorter than the verbiage of some honourable members.

President: The honourable member will proceed.

Mr. T. V. Ramakrishna Aiyar: It conclusively showed that he was only a nominal mover or that he feared that his training as a judge might perhaps force him on hearing us to give a finding in our favour at least on some of the issues. He posed the convenient attitude of sitting quiet all the time. It is curious that the role of opposing the amendments was entrusted to two other members.

Mr. Puthupalli S. Krishna Pillai: Sir, I rise to a point of order. All these statements are reflections on the conduct of certain members of this House, as to how they conducted themselves when the Bill was being discussed. They are irrelevant and may be ruled out of order.

President: The objection raised is correct. After all, honourable members are aware that after the second reading of the bill, the principle of the bill is supposed to have been accepted and passed. At the third reading, speeches are allowed and opposition permitted only under special circumstances. It is because of the existence of those circumstances viz., the very strong feeling entertained by the minority community that I am allowing a speech at the third reading of the Bill. The member may therefore confine his remarks to the subject matter of the Bill.

Mr. T. V. Ramakrishna Aiyar: The astounding revelations made by my friend, Mr. N. Krishna Aiyar, the other day about the state of morality among unmarried girls in Europe and America should be an eye opener even to those who will not see. It is a clear warning to us that we should under no circumstances try an experiment which is certain to lead us to that position. These extracts from the opinions of recognised authorities on the subject deal a death blow to the arguments of some of my friends on the other side that the reform is necessary from a medical point of view. They disclose the evils of late marriages to an appalling extent. A correct understanding of the dangers that lie ahead and a sense of fair play and justice to the minorities demand that the non-officials should vote against the Bill at least at this stage. I hope they will have the courage to do it.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I suggest that this document may be impounded by the Chair.

LIBRARY ARCHIVES Kerala Legislative Assembly

President : As no question of stamp duty arises it cannot be done.

Mr. C. V. Chandrasekharan: Sir, the honourable member may be requested to turn to the second page. That may contain more relevant matters.

President : The honourable member must be aware that in a House of this kind strong opinions are apt to be expressed in a number of ways and it may perhaps be tactful that the member comprises his remarks.

Mr. T. V. Ramakrishna Aiyar: Sir, we have been laid on the stack and the axe is about to fall on us. Let me be allowed to make a last will and testament, to make a dying declaration and I feel confident that the time limit fixed will not be hanging over my head at least now. Sir, I oppose the final passage of the Bill as a matter of principle. The Bill is the clearest instance of what a majority community can do to oppress a minority. Woe be to Travancore if the day comes for the State Congress to assume any responsibility in administration which God forbid. It will be a rule of irresponsibility as we have before us a good specimen in a member of this House. We, members of the minority community, want only justice and fairplay. When we are not allowed even to make a free speech on the Bill, we can only make out that it is only terrorism that is reigning supreme.

Mr. C. V. Chandrasekharan : Sir, I rise to a point of order. The member is saying that terrorism is reigning supreme in the House.

President : The expression is synonymous of what may be called the majority rule.

Mr. T. V. Ramakrishna Aiyar : May I, in all seriousness ask whether my friends had gone when the State Congress activities were at their highest ?

Mr. Kottur Kunjukrishna Pillai : Sir, I rise to a point of order. The member is speaking of some political organisation which is quite irrelevant to the discussion before the House.

President : What is suggested is a kind of analogy.

Mr. C. V. Chandrasekharan : Sir, the member may now try the third page.

President : Suggestions of that kind may sometimes have the opposite of what is intended.

Mr. T. V. Ramakrishna Aiyar : Sir, members of all the communities except a solitary one had joined the movement. It is the Brahmin *alone* that kept completely aloof and stood solidly by His Highness the Maharaja and His Highness' Government.

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Mr. V. Sankara Menon (*Trivandrum and Nedumangad* cum *Chirayinkil*): I question that statement.

President: Order, order. When honourable members question, they have only to shout "question". That is parliamentary way of doing it.

Mr. T. V. Ramakrishna Aiyar: For this most atrocious offence, the supply of domestic labour to the Brahmin houses was boycotted, the supply of milk was boycotted and members of the community were publicly rediculed in the open streets and thoroughfares in Trivandrum. But for Government support and sympathy at the time, we should have crossed the borders long ago. Will I be right in assuming that the present bill is a product of the State Congress activities to spite us even unto God for our deep loyalty to the Sovereign? We have never been law breakers and the statistics of crime in the State should conclusively show that we are a quiet peace-loving community. And yet we are made victims, the targets of misguided activities. I ask Government what we have done to deserve this treatment. We are kept out of Government offices. Should we not be allowed to lead a quiet life at least in our home? Sir, there is a very great responsibility thrown on Government of safeguarding the interests of the minorities, at least to the extent of enabling the members to live as peaceful citizens.

Mr. V. Sankara Menon: May I know from the honourable member who kept them out of Government offices?

Mr. T. V. Ramakrishna Aiyar: When even that is refused to us by the majority communities, the only course open to us is to make a crying appeal to Government. Every member of this House knows that it is now an accepted axiom that in any future constitution of India, a country of diverse communities, the interests of the minorities have to be safeguarded. The Government of India have declared it as their policy and the Secretary of State has repeated it many a time. All the parties in India, the Congress, the Muslim League, the Hindu Mahasabha and the Christian community have all accepted it as a settled policy. Can we not expect a recognition of that policy in an Indian State which also contains different communities? The Government and the Legislature have recognised the existence of castes and communities in Travancore. They have not attempted to interfere with the marriage laws of any caste or community up to date. Why should the mover be allowed to bring in this bill against the Brahmin community alone now. He might as well have brought a bill for the abolition of all castes in Travancore. Queen Victoria, a Christian Empress, in her historic Proclamation of 1858 vouchsafed unto the Indians religious tolerance. Can we not expect that tolerance now in an Indian State which has been proverbially famous for religious tolerance down the pages of history?

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I would make a strong appeal to Government to look at the severity of the provisions. Even in regard to those provisions, my friends will not come to a compromise with us and accept even one of our amendments though a sense of decency and the ordinary rules of fairness should have forced them to do so. In a bill of this kind in which unanimous opposition by all Brahmin members has been the most glaring fact, accommodation to the opposition at least to minimise severity is a test of fairness. My friends have proved unyielding to all our amendments. A spirit of give and take and a sense of good will to the opposition should have characterised the course of the bill. This has made our appeal to Government stronger. The offence after all, is one against the social laws prevailing in a particular community and not one against the State. What is the necessity to make it severer than the gravest of offences under the Penal Code such as murder, treason, arson or rape? Just look at the provisions prescribing a sentence of imprisonment right through the bill and the presumptions of guilt against the accused against all accepted canons of jurisprudence. Except in a communal measure of this nature, it is impossible to come across such abnormal provisions in any law enacted by Government. Solely on account of these extraordinary provisions, I would request Government to introduce a bill as a Government measure on this subject if, after shelving the present bill, they consider it necessary to do so. I guarantee on behalf of the Brahmin community that we will not raise our voice against any of the provisions. More than that, as far as it lies in our power, we will see through a bill as it emerges from the hands of the Legal Remembrancer. Cannot we, members of the Brahmin community, who have contributed not a little to make Travancore what it is today expect a favourable answer to this simple request at the hands of His Highness the Maharaja who has ever proclaimed His deep concern for the welfare of *all classes* of His subjects and at the hands of a Brahmin Dewan who is attempting, as if by a magician's wand to convert Travancore into a new world. We have a right to demand freedom from destruction of the purity of our homes and an annihilation of our community. I pray to God Sri Padmanabha to help us.

Mr. N. Krishna Aiyar: I oppose the Bill on religious grounds.

President: Before putting this motion to the vote, I think it is necessary that I should say a few words. I have given the utmost possible latitude to those who have felt themselves impelled by their convictions to oppose this Bill and the provisions sought to be enacted. I have done so for the same reason that was indicated

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in the speech, to which we have just listened, of Mr. Ramakrishna Aiyar, namely that in the case of a minority community, whether it be the Brahmin or any other, if members of that community feel strongly on any particular legal measure, they should be given the utmost possible opportunity for the purpose of ventilating their views and making their point of view fully known.

There are however, certain matters of general import to which it is not possible to shut one's eyes. Those who have made rather hard observations with regard to this Bill will remember also at the same time the provisions and the existence of Clause 11 of this Bill which does not find a counterpart in any similar enactment elsewhere. Such a provision as Clause 11 would be needed only in a predominantly Hindu State where the sentiments of those who are likely to be affected by these marriages have to be consulted and exceptions made in special and rare cases to that particular situations. In the whole course of this discussion it has been taken too much for granted that only one community, namely, the Brahmin community, is affected. Speaking from a somewhat wide experience of conditions all over India and especially in the south of India, I might say that there are other communities who are perhaps more rigid than the Brahmin community in regard to this matter. The Sowrashtra community, for instance, of Madura, is one such community. There are many other communities which almost make it a point to marry their girls at three or four. It is therefore not without advertence to the existence of strong views and opinions of many communities that this legislation has been brought forward. Moreover this debate has brought out the fact that many Christian and Muslim families are also likely to be affected by this enactment.

Now let me outline what I consider to be the actual state of things in the community to which I have the honour to belong, namely, the Brahmin community. Whatever might have been said some thirty or forty years ago, at this moment it is common ground that partly owing to the pernicious system of buying bridegrooms which has crept into the country and into families, north, south, east and west, and because of the atrocious attempts at extortion made by parents of bridegrooms, either studying in colleges or embarking on professional courses, it has become extremely difficult for a girl to get married, so much so that in 99 cases out of a hundred it is not a case of a forced child marriage but impossibility for economic and allied reasons of getting a girl married at the age of 12, 13, 14, 15 or 16. I say it with some knowledge of the circumstances and with a full realisation of my responsibility that it is an undeniable fact amongst families in which it is considered derogatory to their dignity that a girl should have attained puberty before marriage that every step is taken to publish the news that puberty has taken place a few days after the marriage whenever it

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takes place. As a matter of practical politics therefore, this question of age limit imposes no problem upon the Brahmin community in their daily life under present conditions. There may be exceptional cases where, on account of a very special set of circumstances, exemption might be granted. It is in order to provide for such exceptional circumstances, that Clause 11 has been introduced. And I may venture to say that that clause was introduced not without hesitation, not without opposition, but at the instance of persons who took into account the position and the value of the Brahmin community and the importance it was necessary to attach to the sentiments of minorities. And I venture to say that, having made special provision for such exemptions, there is no reason for declining to pass or lamenting the progress of the Bill. Those honourable members who have invoked curses on the Legislature and suggested that woe might befall the State of Travancore have forgotten that beyond the Ghats the law to-day is what is going to be enacted here. Is it not an admitted fact that alliances and marriages in the Brahmin and other groups affected by this measure take place between people who are living beyond the Ghats and those living within the State? Can there be any logic or convenience in having one system applicable to those just two miles beyond Shencotta and another system of law applicable to those just two miles on this side of Shencotta? Can it be denied that uniformity in family and social laws is of the essence of family life and national unity? As honourable members know, for some time the practice grew up of persons performing marriages within Indian States which had no such statute and then going back to live in British India. To meet such cases the British Indian legislation has dealt with that matter by means of an amendment. Excepting to the extent of 8000 square miles of Travancore, in the whole of Madras Presidency this is the law. And I ask honourable members who opposed this Bill, how long they can keep back legislation here with that other legislation functioning vigorously and actively outside and beyond the Ghats. Nevertheless, as I have said, it was with a view to exceptional circumstances and special possibilities, that the exemption under Clause 11 has been granted.

With these remarks I trust it will be possible for honourable members to see the question in proper perspective and to vote according to the dictates of reason and legal convenience and uniformity.

The question that the Bill be passed was put and carried.

The Bill was passed.

President : The House is now prorogued.

The Council adjourned at 12-15 P. M.

A. GUNAMONY,
Secretary, Sri Chitra State Council.

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